

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 480 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-10.4-4-8, AS AMENDED BY P.L.119-2006,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 8. (a) This subsection applies to a member who
- 6 retires before July 1, 1980. A member who had completed four (4)
- 7 years of approved college teacher education before voluntary or
- 8 involuntary induction into the military services is entitled to credit for
- 9 that service as if the member had begun teaching before the induction.
- 10 A member who serves in military service is considered a teacher and
- 11 is entitled to the benefits of the fund if before or during the leave of
- 12 absence the member pays into the fund the member's contributions.
- 13 Time served by a member in military service for the duration of the
- 14 hostilities or for the length of active service in the hostilities and the
- 15 necessary demobilization time after the hostilities is not subject to the
- 16 one-seventh rule set forth in section 7 of this chapter.
- 17 (b) This subsection applies to a member who retires after June 30,
- 18 1980. A member who completed four (4) years of approved college
- 19 teacher education before voluntary or involuntary induction into
- 20 military service is entitled to credit for the member's active military
- 21 service as if the member had begun teaching before the induction. A
- 22 member who serves in military service is considered a teacher and is
- 23 entitled to the benefits of the fund if the following conditions are met:
- 24 (1) The member has an honorable discharge.

(2) Except as provided in subsection (e), the member returns to active teaching service not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

(1) The member has an honorable discharge.

(2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service and subsequently completes that program.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

(1) The member received an honorable discharge.

(2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than ~~eighteen (18)~~ **twenty-four (24)** months after completion of active military service and subsequently completes that education.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length

of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) The board shall extend the ~~eighteen (18)~~ **twenty-four (24)** month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

(1) The member has at least one (1) year of credited service in the fund.

(2) The member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and

1 (iii) the number of years of service credit the member
2 intends to purchase.

3 (B) Contributions for any accrued interest, at a rate determined
4 by the actuary of the fund, for the period from the member's
5 initial membership in the fund to the date payment is made by
6 the member.

7 However, a member is entitled to purchase service credit under this
8 subsection only to the extent that service credit is not granted for that
9 time under another provision of this section. At least ten (10) years of
10 service in Indiana is required before a member may receive a benefit
11 based on service credits purchased under this section. A member who
12 terminates employment before satisfying the eligibility requirements
13 necessary to receive a monthly allowance or receives a monthly
14 allowance for the same service from another tax supported public
15 employee retirement plan other than under the federal Social Security
16 Act may withdraw the purchase amount plus accumulated interest after
17 submitting a properly completed application for a refund to the fund.

18 (i) The following apply to the purchase of service credit under
19 subsection (h):

20 (1) The board may allow a member to make periodic payments of
21 the contributions required for the purchase of the service credit.
22 The board shall determine the length of the period during which
23 the payments must be made.

24 (2) The board may deny an application for the purchase of service
25 credit if the purchase would exceed the limitations under Section
26 415 of the Internal Revenue Code.

27 (3) A member may not claim the service credit for purposes of
28 determining eligibility or computing benefits unless the member
29 has made all payments required for the purchase of the service
30 credit.

31 (j) This subsection applies to a member who retires after June 30,
32 2006. A member may not receive credit under this section for service
33 for which the member receives service credit under the terms of a
34 military or another governmental retirement plan.

35 **(k) Notwithstanding any provision of this section, a member**
36 **who:**

37 **(1) has at least ten (10) years of in-state teaching service;**

38 **(2) served on active duty in the armed forces of the United**
39 **States before February 1, 1955;**

40 **(3) received an honorable discharge;**

41 **(4) is not entitled to receive a pension for service in the armed**
42 **forces of the United States; and**

43 **(5) is not entitled to military service credit under subsections**
44 **(a) through (g) for purposes of determining eligibility for or**
45 **the computation of benefits under this chapter;**

46 **is entitled to service credit in an amount equal to the duration of**

1 **the member's military service. However, not more than six (6)**
2 **years of service credit may be granted under this subsection. The**
3 **service credit may be used only in the computation of benefits to be**
4 **paid after June 30, 2007, and only after the board determines that**
5 **the member is eligible for the service credit.".**

6 Renumber all SECTIONS consecutively.
 (Reference is to ESB 480 as printed April 6, 2007.)

Representative Reske